

PHARMACY EXAMINING BOARD
REGULAR MEETING
APRIL 10, 2001

MEMBERS PRESENT: John Bohlman, RPH; Charlotte Rassmussen; Sue Sutter, RPH;
Dan Luce, RPH; Cynthia Benning, RPH; Georgina Forbes

MEMBERS EXCUSED: Michael Bettiga, RPH

LEGAL COUNSEL: William Black

STAFF PRESENT: Patrick D. Braatz

GUESTS: Susan Kleppin, PSW; Franklin LaDien, Walgreens Co.; Shelley Rerbel, Purdue Pharma; Larry Edwards, DOC; David Godshall, DOC; Elizabeth Nelson, Women's International Pharmacy; Paul Rosowski, PIB; Rusty Gorske, Jennifer Ruppian, Thomas Vick, James Bicher, Curtis Jensen, Paula Lukas, Sarah Krueger, Cynthia Erogbogbo, Roger Spear, Jill Lemke, Aleson Hartfield, Sean Gehrke, Rustin Groshend, Carl Nelson, Kathy Hooper, Jennifer Stutz, Heather Hellwig, UW-SOP Students.

CALL TO ORDER

Chair John Bohlman called the meeting to order at 9:00 a.m.

APPROVAL OF AGENDA

Amendments: -Distributor application review - Puritan Bennett Medical Gases
-Manufacture application review - Puritan Bennett Medical Gases
-Stipulation – Puritan Medical Products, Inc.
-Report from UW Pharmacy Student Intern Sean Gehrke regarding the review of the enforcement cases project.
-Report from UW Pharmacy Student Intern Roger Spear regarding the updating of the Self-Inspection Form.
-Report from Cynthia Benning regarding the updating of the MPJE

MOTION: Cynthia Benning moved, seconded by Georgina Forbes, to approve the agenda as amended. Motion Carried unanimously.

APPROVAL OF MINUTES OF MARCH 13-14, 2001

Corrections: -On page 2, under KRIDER PHARMACY AND GIFTS, the last sentence should read as follows: As long as this is prescribed, and due diligence is exercised, the pharmacy should not be liable.

-On page 5, under REPORT OF THE PHARMACY INTERNSHIP BOARD, the statement should read as follows: Cynthia Benning informed the Board that the Legislative hearing regarding the proposed PIB rules has been postponed.

-On page 6, the title of the section should read as follows: NABP/AACP District IV FALL 2001 MEETING UPDATE.

-On page 6, under the NABP/AACP DISTRICT IV FALL 2001 MEETING UPDATE, the UW School Dean should be identified as follows. UW School of Pharmacy Dean Mel Weinswig.

-On page 7, under JEFFREY OTTESEN, R.PH., the final motion should read as follows: Sue Sutter moved, seconded by Cynthia Benning to have Board Counsel draft a new stipulation in the matter concerning Jeffrey Ottesen, R.Ph. with the limitations approved by the Board. Michael Bettiga abstained. Motion carried.

MOTION: Dan Luce moved, seconded by Sue Sutter, to approve the minutes of March 13-14, 2001 as amended. Motion carried unanimously.

SECRETARY OSCAR HERRERA

Deputy Secretary William J. Conway introduced the new Secretary Oscar Herrera. Secretary Herrera introduced himself to the Board and stated that he looked forward to working with the Board in the coming months.

PRESENTATION OF PROPOSED STIPULATIONS

DENNIS A KORANDA, RPH

Presentation of proposed stipulations in the matter concerning Dennis A. Koranda. R.Ph. by Attorney Arthur Thexton. This matter will be deliberated on in closed session.

PURITAN MEDICAL PRODUCTS, INC.

Presentation of proposed stipulations in the matter concerning Puritan Medical Products, Inc., by Attorney Arthur Thexton. This matter will be deliberated on in closed session.

PUBLIC HEARING ON PROPOSED RULES RELATING TO MINIMUM EQUIPMENT

Chair Bohlman called the public hearing to order at 9:45 a.m. One speaker registered in favor. Written comments and testimony must be received by the Department no later than April 21, 2001. The hearing adjourned at 9:49 a.m.

REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES

These reports were informational.

DISTRIBUTOR/MANUFACTURER'S APPLICATIONS

MOTION: Dan Luce moved, seconded by Sue Sutter, to approve the Distributor's applications for **AGA Gas, Inc, Oshkosh; Airgas North Central, Iowa; Bone Care International, Inc. Middleton; General Injectables and Vaccines, VA; McKesson General Med Corp, IL; Mylan Pharmaceuticals, AL; Oxygen One, Inc, Waukesha; Radix Pharmaceuticals, MO; UPS Logistics Group, Inc., TX; Vaxserve, PA.; Puritan Medical Gases, West Allis.** Motion carried unanimously.

MOTION: Dan Luce moved, seconded by Sue Sutter, to approve the Manufacturer's application for **Puritan Medical Gases, New Berlin.** Motion carried unanimously.

PRACTICE QUESTIONS

The Board reviewed the practice questions that were presented by legal counsel and provided guidance to the legal counsel to respond on behalf of the Board.

REVIEW OF CORRESPONDENCE FOR THE MEDICAL EXAMINING BOARD

Legal counsel will incorporate the additional changes and bring it back for the Board to review at the next meeting.

REVIEW OF CENTRAL FILL RULE

The Board reviewed the current draft and provided changes to legal counsel. The Board will review the draft with changes at its next meeting.

REVIEW OF CORRESPONDENCE TO THE CONTROLLED SUBSTANCES BOARD REGARDING A STATE PRESCRIPTION DRUG MONITORING PROGRAM

The Board reviewed the letter that was sent to the Controlled Substances Board regarding a state prescription drug-monitoring program.

CONTROLLED SUBSTANCES BOARD REPORT

Cynthia Benning reported on potential rule changes for the CSB. She also reported that the Board has decided not to allow individuals who remove nuisance animals to grant them SUA to possess drugs for the disposal of animals.

PHARMACY INTERNSHIP BOARD REPORT

Sue Sutter and Cynthia Benning reported that the extension time on the hearing that the Legislature may have wanted to hold on the proposed rules has passed, so the PIB went ahead and approved the rules as presented. They should be effective June 1, 2001. They shared a

problem that has come up regarding the foreign pharmacy requirements and the PIB suggested the Board may want to change their rules to conform with the 48 other member states of NAPB.

SCOPE STATEMENT REGARDING FOREIGN PHARMACY REQUIREMENTS

MOTION: Cynthia Benning moved, seconded by Sue Sutter, to develop a scope statement to address a change in the in Chapter 2.01 and 2.04 changing the licensing requirements regarding foreign pharmacy requirements. Motion carried unanimously.

ENFORCEMENT REVIEW PROJECT UPDATE REPORT

Shawn Gehrke reported on his review of complaints and disciplinary cases for the past 5 years as a part of his 8-week internship rotation. The Board thanked him for his work and effort. Cynthia Benning will review the document and report back to the Board at a later meeting.

SELF-INSPECTION UPDATE REPORT

Roger Spear reported on an update of the Self-Inspection document as a part of his 8-week internship rotation. The Board thanked him for his work and effort. John Bohlman asked that Board Members review it and get their comments back before the next meeting.

MPJE UPDATE REPORT

Cynthia Benning reported on her attendance at the NABP MPJE review meeting held in San Diego, CA. Wisconsin currently has 1008 questions in the exam bank, only 5 states have more questions, so Wisconsin is in good shape. There are a number of questions that are being developed and will be added to the exam bank. There are currently 90 questions on the test with only 60 that count, as 30 are pre-test questions. There are approximately 8,000 questions in the exam bank nationwide.

RECESS TO CLOSED SESSION

MOTION: Dan Luce moved, seconded by Georgina Forbes, to recess to closed session pursuant to Chapter 19.85 (1)(a), (b), (f), and (g), Wis. Stats., for the purpose of deliberation of proposed stipulations, considering requests for stays of suspensions and modifications in board orders, considering requests for reinstatement of licenses, reviewing correspondence from licensees, reviewing cases status reports, discussion of examination issues, issuing orders fixing costs and consulting with legal counsel. Roll call vote: John Bohlman – yes, Sue Sutter – yes, Cynthia Benning – yes, Georgina Forbes – yes, Charlotte Rasmussen – yes, Dan Luce – yes. Motion carried unanimously.

Open session recessed at 12:45: p.m.

RECONVENE IN OPEN SESSION

MOTION: Cynthia Benning moved, by seconded by Dan Luce, to reconvene into open session. Motion carried unanimously.

Open session reconvened at 4:05 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

PRESENTATION OF PROPOSED STIPULATIONS

DENNIS A. KORANDA, RPH

The Board requested that the stipulation be returned to DOE for further changes at the direction of the case advisor. No action was taken at this time.

PURITIAN MEDICAL PRODUCTS, INC

The Board requested that the stipulation be returned to DOE for further changes at the direction of the case advisor. No action was taken at this time.

REQUESTS FOR STAYS OF SUSPENSION/CHANGES IN ORDERS

JOHN LITZENBERG, RPH

MOTION: Cynthia Benning moved, seconded by Charlotte Rassmussen, to grant a three-month stay of suspension to John Litzenberg, R.Ph. Mr. Litzenberg cannot discontinue the controlled substances audit at his primary work site, but he does not have to perform the controlled substances audit at other Walgreen locations as long as it does not exceed 40 hours per month, and to deny the request for a change in the number of hours as “pharmacist-in-charge”. Dan Luce Abstained. Motion carried.

CRAIG MOON, RPH

MOTION: Cynthia Benning moved, seconded by Georgina Forbes, to grant a three-month stay of suspension to Craig Moon, R.Ph., and to allow him to decrease the number of random urine screen to 6 per month, but deny his request for an increase in the number of hours as pharmacist in charge. Dan Luce abstained. Motion carried.

CHARLENE WILLIS, RPH

MOTION: Dan Luce moved, seconded by Charlotte Rasmussen, to grant a three-month stay of suspension to Charlene Willis, R.Ph., pending the renewal of her registration. Motion carried unanimously.

REQUEST FOR REINSTATEMENT OF LICENSE

MICHAEL WHEELER, RPH

No action was taken, as further information is required from Mr. Wheeler.

CASE STATUS REPORTS

MOTION: Cynthia Benning moved, seconded by Charlotte Rasmussen, to close complaint **00 PHM 018** against respondent Ford for insufficient evidence; and against Respondent Reinero and RxCEL Prescription Services for prosecutorial discretion. Case advisor – Dan Luce. Motion carried unanimously.

MOTION: Cynthia Benning moved, seconded by Charlotte Rasmussen, to close complaint **00 PHM 070** for prosecutorial discretion (P3). Case advisor – Sue Sutter. Dan Luce abstained. Motion carried

MOTION: Dan Luce moved, seconded by Cynthia Benning, to close the complaint **00 PHM 059** for prosecutorial discretion (P3). Case advisor – John Bohlman. Sue Sutter abstained. Motion carried.

ORDER FIXING COSTS

MOTION: Dan Luce moved, seconded by Charlotte Rasmussen to issue the order fixing costs in the matter of Wallace L. Simons, R.Ph., Carol L. Peterson, R.Ph. and Women's International Pharmacy, Inc. John Bohlman, R.Ph. and Cynthia Benning, R.Ph. abstained and were not present during the deliberation. Motion carried.

REVIEW OF PHARMACIST APPLICATION

ELIZABETH SCHAR

The Board reviewed the letter and suggested that she be informed to read the letter that was previously sent to her dated February 22, 2001.

EXAMINATION ISSUES

The Board reviewed issues regarding the June examination.

HOLD THE ISSUANCE OF DISTRIBUTOR/MANUFACTURER'S LICENSE

MOTION: Sue Sutter moved, Dan Luce seconded that the Board hold up the issuance of the Distributor and the Manufacture license for **Puritan Medical Products, Inc.** until the Board receives further information. Motion carried unanimously.

ADJOURNMENT

MOTION: Georgina Forbes moved, seconded by Charlotte Rasmussen, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 4:17 p.m.

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